

Decision No. 13708

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of The Board of Supervisors of Sacramento County, Howard K. Johnson, Chairman of said Board of Supervisors, for an Order authorizing the opening of a grade crossing over the Central California Traction Co's. Railroad at the southerly end of Carly Avenue in Colonial Acres, Sacramento County, State of California, Section 22, T. 3 N., R. 5 E., M.D.B. & M.

ORIGINAL

Application No. 14506.

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of Sacramento, State of California, filed the above entitled application with this Commission on the 15th day of March, 1928, asking for authority to construct a public street, known as Carly Avenue, at grade across the tracks of Central California Traction Company, in the vicinity of the City of Sacramento, as hereinafter set forth. Said Central California Traction Company has signified by letter that it has no objection to the construction of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said tracks at the point mentioned in this application, and that this application should be granted, subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Sacramento, State of California, to construct Carly Avenue at grade across the tracks of Central California Traction Company at the location hereinafter particularly described and as shown by the map attached to the application.

Description of Crossing

Beginning at a point where the center line of Carly Avenue in Colonial Acres (A map of said Colonial Acres being on file in the office of the County Recorder of Sacramento) intersects the northerly right of way line of the Central California Traction Company's right of way. Thence from said point of beginning, along the northerly line of said right of way S. $89^{\circ} 52\frac{1}{2}'$ E, 25.00 feet, thence S. $0^{\circ} 07\frac{1}{2}'$ W, 100.00 feet to the southerly right of way line of said railroad; thence along said southerly right of way line N. $89^{\circ} 52\frac{1}{2}'$ W, 50.00 feet; thence N. $0^{\circ} 07\frac{1}{2}'$ E, 100.00 feet to the said northerly right of way; thence along said northerly right of way line S. $89^{\circ} 52\frac{1}{2}'$ E, 25.00 feet to the point of beginning.

The above crossing shall be identified as Crossing No. 61-46.5.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of those portions of the crossing between lines two (2) feet outside of the outside rails shall be borne by Central California Traction Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Central California Traction Company.

(2) The crossing shall be constructed of a width not less than fifty (50) feet and at an angle of ninety (90) degrees to the

railroad and with grades of approach not greater than four (4) per cent; shall be constructed substantially in accordance with Standard No. 2, as specified in General Order No. 72 of this Commission; shall be protected by a Standard No. 1 crossing sign, as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) No train, motor, engine or car shall be operated over this crossing at a speed in excess of twenty (20) miles per hour.

(4) No train, motor, engine or car shall be stored on these tracks within one hundred and twenty-five (125) feet of either property line of Carly Avenue.

(5) Applicant shall, at its own expense, move the loading platform to a point approximately fifty (50) feet east of its present location and shall move the shelter station approximately twenty-five (25) feet south and east of its present location.

(6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(7) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(8) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if,

in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 3rd day of May, 1928.

C. Seavey

David R. ...

M. J. ...

Commissioners.